

**PATENT****CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being deposited via facsimile to Commissioner for Patents, Attention: Dameron L. Jones whose telephone number is (571) 272-0617 and fax number is (703) 872-9306 on

 February 18, 2004  
Jare A. Walker Date

**RECEIVED  
CENTRAL FAX CENTER****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****FEB 18 2004**

Applicant(s): Achilefu et al.  
Serial No.: 10/071,779  
Filed: February 7, 2002  
Group Art Unit: 1616  
Confirmation No.: 4257  
Examiner: Jones, Dameron L.  
Title: **DYE-BIOCONJUGATES FOR SIMULTANEOUS OPTICAL  
DIAGNOSTIC AND THERAPEUTIC APPLICATIONS**  
Our Ref. No.: MRD-75

**OFFICIAL**

Cincinnati, OH 45202

February 18, 2004

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

Although the applicants will not respond to the Office Action dated January 23, 2004, this is not to be construed as acquiescence to the rejection, and applicants reserve the right to re-file the same or similar claims based upon an identical disclosure in a future co-pending application.

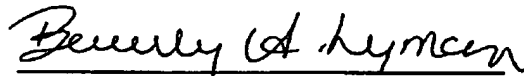
Page 1 of 2

Applicants do not believe there is any fee due with this submission. However, if any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

The Examiner is invited to contact applicants' undersigned representative with any questions.

Respectfully submitted,

WOOD, HERRON & EVANS. L.L.P.



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